

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC.,)	CASE NO. 1:14-cv-01589-TWP-DKL
)	
Plaintiff,)	
)	
vs.)	
)	
NEXTGEAR CAPITAL, INC.,)	
)	
Defendant.)	

AGREED MOTION FOR EXTENSION OF DEADLINES

Defendant, NextGear Capital, Inc. (“NextGear”), by counsel, moves this Court for an extension of time in which to respond to the original Complaint and Plaintiff, Red Barn Motors, Inc.’s (“Red Barn”) Motion for Leave to Amend:

1. The original Complaint [Dkt. 1] in this matter was filed on December 3, 2013, in the United States District Court for the Middle District of Louisiana.
2. The answer dates for the Defendants were extended, and NextGear filed a Motion to Dismiss on February 6, 2014.
3. On May 12, 2014, Plaintiff filed a Motion for Leave to File an Amended Complaint [Dkt. 25].
4. The case was transferred to this Court on September 30, 2014, with the Motion to Dismiss still pending.
5. The Court stayed this action on April 14, 2015, pending a writ of mandamus ruling.
6. The writ of mandamus ruling was entered on July 23, 2015.

7. On November 17, 2015, NextGear's Motion to Dismiss was referred to the Magistrate.

8. On December 11, 2015, the Magistrate issued a Report and Recommendation that the Motion to Dismiss be denied.

9. On January 13, 2016, the Court entered its Ruling denying the Motion to Dismiss.

10. Pursuant to Fed. R. Civ. P. 12(a)(4)(A), NextGear's Answer to the original Complaint is now due on or before January 27, 2016.

11. NextGear requests an extension to and including March 1, 2016, in which to file its Answer to the original Complaint.

12. On January 8, 2016, Plaintiff filed its Motion for Leave to File Verified Amended Complaint with other would-be new plaintiffs [Dkt. 89]. Pursuant to L.R. 7-1(c), NextGear's response to Plaintiff's Motion for Leave is due on January 25, 2016.

13. The Defendant requests an extension to and including March 1, 2016 in which to file its response to Plaintiff's Motion for Leave.

14. Counsel for Plaintiff Red Barn has been advised of the two extensions being sought by NextGear and has consented to both extensions.

WHEREFORE, Defendant, NextGear Capital, Inc., by counsel, requests an extension to and including March 1, 2016, in which to file its Answer to the original Complaint and to file its response to Plaintiff's Motion for Leave to Amend, and for all other relief proper in the premises.

Respectfully submitted,

/s/ Steven D. Groth

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon the following counsel of record via the Courts electronic service notification system, this 20th day of January, 2016:

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